

**JOINT STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS AND  
COMMISSIONER JONATHAN S. ADELSTEIN,  
DISSENTING**

Re: *In the Matters of Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) from Application of Computer Inquiry and Certain Title II Common-Carriage Requirements; Petition of the Frontier and Citizens ILECs for Forbearance Under Section 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services; WC Docket No. 06-147; Memorandum Opinion and Order (October 24, 2007)*

This Order addresses two more in the queue of far-reaching forbearance requests for exemption from Title II and *Computer Inquiry* obligations for self-styled “broadband enterprise services.” Much as we found the evidence to support forbearance in the previous cases altogether underwhelming,<sup>1</sup> we also find that this Order fails to meet the standards set out by Congress in Section 10 of the Act.

The Commission’s unwillingness to engage in a serious examination of the facts is particularly disappointing here, because it appears that these petitioners may be able to present a distinctly different portrait of competitive conditions in their markets. In this case, the Commission’s failure to insist that parties be explicit in their requests or detailed in the data they provide has certainly not helped the petitioners make their case. Moreover, this Order makes no attempt to grapple with the limited local market data filed in this proceeding.

As we have said before, these kinds of decisions are too important to be made without the in-depth market analysis that might support them. We also are mindful of ongoing Congressional concerns with policymaking on forbearance petitions based upon inadequate analysis and data. The lack of data concerning the specific product and geographic markets at issue and this Order’s lack of analysis continues to cause us great concern with both the substance and the process of granting these and similar forbearance petitions.

For these reasons, we dissent from today’s Order.

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<sup>1</sup> See *Joint Statement of Commissioners Michael J. Copps and Jonathan S. Adelstein, Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services; Petition of BellSouth Corporation for Forbearance Under Section 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services; WC Docket No. 06-125, Memorandum Opinion and Order (October 11, 2007).*